

Equalities Impact Assessment:

Name of Project or Proposal (required):

Covid-19: temporary changes to the County Council's duties under the Care Act 2014

Is this a Transformation to 2021 project? (required): Yes No

Name of accountable officer (required): Graham Allen

Name of Assistant Director: Jess Hutchinson

Date: 21/04/2020

Department (required): Adults' Health and Care

Is this a detailed or overview EIA (required): Detailed Overview

Description of Service/Policy: (required)

The impact of Covid-19 has created new demands on adult social care, for example with increased requirements around swift hospital discharge and the need for additional capacity in care home places and domiciliary care. At the same time there are challenges around existing care home, domiciliary care and social work capacity due to the impact of the illness upon the social care workforce itself, and the need to protect staff and other residents from illness. Some services have had to be reduced due to the need for social distancing. Social isolation and shielding have also led to an increase in the number of vulnerable people requiring essential support.

This EIA summarises the key impacts on service users and carers with protected characteristics during the current period and the mitigation that Adults' Health and Care is already putting in place to alleviate disadvantage and difficulties faced by vulnerable groups.

The EIA also highlights the additional impacts likely to be felt if the County Council had to use 'last resort' emergency legislation, in the form of changes to the Care Act 2014, to deal with the emergency situation.

Geographical impact (required)

All Hampshire (if ticked do not tick any further boxes)

Basingstoke and Deane

East Hampshire

Eastleigh

Fareham

Gosport

- Hart
- Havant
- New Forest
- Rushmoor
- Test Valley
- Winchester.

Describe the proposed change

Under the Coronavirus Act 2020, and only as a last resort, a local authority has the power during the emergency period not to comply with a number of its statutory duties under the Care Act 2014. The main duties that can be 'eased' and that are most relevant to this EIA are:

- Duty to assess the needs of individuals and carers
- Duty to give written records of an assessment
- Duty to meet eligible needs
- Duty to provide care and support plans
- Duty to give people a choice of accommodation, assuming someone (usually a third party) is willing to 'top up' the amount if the preferred accommodation in a care home is more expensive than the council needs to pay

These duties would be replaced with a lower threshold duty to meet a person's needs for care and support if failure to do so would breach that person's rights under the European Convention on Human Rights. The most relevant Human Rights in this situation are:

- The right to life
- The right to freedom from inhuman and degrading treatment
- The right to private and family life

The situation in which the local authority would decide to use the Care Act easements has not yet been reached in Hampshire and it is hoped that this will not occur. However, it is important that plans are in place so that action can be taken swiftly if it is needed.

Essentially, the Care Act easements would only be used if the workforce were to become significantly depleted, or demand on social care increased to an extent that it would no longer be reasonably practicable to comply with the current Care Act duties (as they stand prior to amendment by the Coronavirus Act) and where to continue to try to do so would be likely to result in urgent or acute needs not being met, potentially risking life.

The Cabinet report on this decision, which this EIA supports, asks Cabinet to delegate authority to the Director of Adults' Health and Care in consultation with the Executive Member to determine whether to implement the temporary changes to the County Council's duties under the Care Act 2014 if required. This is a precautionary measure which it is hoped will not be used.

Who does this impact assessment cover?

- Service users HCC staff (pick one)

Has engagement or consultation been carried out?

Yes No Planned (pick one)

Describe the consultation or engagement you have performed or are intending to perform.

For reasons of urgency, formal consultation has not taken place. However, should it become necessary for the Care Act 2014 easements to be used, the Director of Adults' Health and Care would act on the advice of the Principal Social Worker and would consult with the Executive Member for Adults' Health and Care before taking a final decision. The Director would also involve senior members, officers and if possible would engage with regular service user/carer groups with whom Adults' Health and Care regularly works, such as the Personalisation Expert Panel. Communication would take place as appropriate to inform affected service users and carers, providers, partners and the Hampshire Health and Wellbeing Board of the emergency decision and its short-term implications.

Statutory Considerations:

For all the below options, please indicate whether the proposed change is expected to have a Positive, Neutral or negative (Low, Medium or High) impact on people who can share the following characteristics. If Positive or Low, please describe what the impact will be. If Medium or High, please describe the impact and the planned mitigation for the impact.

Age Impact Assessment:

Positive Neutral Low Medium High

Impact: Existing impacts during Covid-19

- Increased isolation and reduced ability to access the full range of communication channels (eg web/social media/phone for people with hearing impairment etc)
- Lack of contact with family and friends who provide informal support, and restricted/no visits to care homes
- Potential delays for assessment or review, depending on urgency and staff availability
- Reduction in availability of some services, eg potentially reduced capacity in domiciliary and residential care because of staff shortages, closure of day services and regular respite for service users and carers, reduced support to access the community. This means an increased pressure on informal carers
- Increased likelihood of other long-term health conditions not being adequately managed during this period
- Difficulty in accessing food and other supplies, if there is no family/local support/lack of access to internet or knowledge about sources of assistance
- Reduction in choice of accommodation/types of support that can be provided because of lack of capacity in the market/social distancing in the community
- Reduction in face-to-face assessments, reviews and other social work interactions/increased reliance on communication by phone and other technology has greater impact on people with limited or no verbal communication (e.g. older people with advanced dementia) with social work practitioners needing to rely on third party information from carers or support providers

- Carers may be inclined to take on more caring responsibilities themselves and for longer due to concerns about the risks of having carers visit the home
- Impact of all the above is likely to be more severe for people who lack mental capacity to understand the situation and the reason for restrictions (e.g. older people with dementia), leading to increased levels of distress

Additional impact of using Care Act easements

- People would have reduced choice on how their needs would be met, for example because of reduced market capacity/staff availability/reduced choice of accommodation for people who would otherwise choose to ‘top up’ accommodation costs. Some current service users might see their service reduced and new service users might only receive services to keep safe and to ensure their Human Rights were not breached
- Potential to not provide the right amount of care – either too little or too much – because people’s needs will not have been systematically assessed or reviewed in the usual way
- Less detailed assessment may result in less clear care planning information for support providers, and consequent potential for poor targeting of support provision
- Increased pressure on carers, as staff would not be carrying out carer assessments
- People with less urgent/acute needs are less likely to have their needs assessed or receive services to meet needs until easements have been lifted, with potential for their situation to deteriorate in the interim
- If required, easements allow local authorities to make decisions to change support for people, e.g. by temporarily stopping support for one person in order to meet a more urgent need for care for someone else, creating likely increased pressure on carers
- A delay in completing financial assessments could lead to a build up of client contributions which some clients might find difficult to repay

Mitigation:

- Community teams are prioritising proactive telephone contact with existing service users and carers who are known to be most vulnerable
- Staff resources are being used appropriately, including the redeployment of some staff, to keep essential and critical services running
- Operation of [hantshelp4vulnerable](#) telephone helpline to coordinate access to local volunteers, support with food supply and deliveries to vulnerable residents
- Capacity at adult social care specialist CART (Contact Assessment and Resolution Team) has been bolstered to support more telephone-based work with service users

Disability Impact Assessment:

Positive Neutral Low Medium High

Impact: Existing impacts during Covid-19

- Increased isolation and reduced ability to access the full range of communication channels (eg web/social media etc)
- Lack of contact with family and friends
- Disruption to established routines will particularly affect people with learning disability or autism or mental health conditions. Social distancing and the general anxiety about Covid-19 may disproportionately be impacting on people with mental health problems, who may be delaying seeking help for longer than would otherwise be the case
- Particular impacts for people with direct payments – impacts on the PA market eg having to have reduced level of care/reorganise support if PA self-isolating/ill
- Potential delays for assessment or review, depending on urgency and staff availability
- Reduction in availability of some services, eg potentially reduced capacity in domiciliary and residential care because of staff shortages, closure of day services and regular respite for service users and carers, reduced support to access the community. This means an increased pressure on informal carers
- Increased likelihood of other long-term health conditions not being adequately managed during this period, as many disabled people will have reduced levels of support from their community and potentially healthcare will be harder to access
- Difficulty in accessing food and other supplies, if there is a lack of family/local support/lack of access to internet or knowledge about sources of assistance
- Reduction in choice of accommodation/types of support that can be provided because of capacity in the market/social distancing in the community
- Reduction in face-to-face assessments, reviews and other social work interactions/increased reliance on communication by phone and other technology has greater impact on people with limited or no verbal/written communication (e.g. people with learning disabilities) with social work practitioners needing to rely on third party information from carers or support providers
- Carers may be inclined to take on more caring responsibilities themselves and for longer due to concerns about the risks of having carers visit the home
- Impact of all the above is likely to be more severe for people with learning disability and or autism, who may have a reduced ability to understand the situation and the reason for restrictions, leading to increased levels of distress and challenging behaviour

Additional impact of using Care Act easements

- People would have reduced choice on how their needs would be met, for example because of reduced market capacity/staff availability/reduced choice of accommodation for people who would otherwise choose to 'top up' accommodation costs. Some current service users might see their service reduced and new service users might only receive services to keep safe and to ensure their Human Rights were not breached
- Potential to not provide the right amount of care – either too little or too much – because people's needs will not have been systematically assessed or reviewed in the usual way

- Less detailed assessment may result in less clear care planning information for support providers, and consequent potential for poor targeting of support provision
- Increased pressure on carers, as staff would not be carrying out carer assessments
- People with less urgent/acute needs are less likely to have their needs assessed or receive services to meet needs until easements have been lifted, with potential for their situation to deteriorate in the interim. This might particularly be an issue for some people with mental health problems
- If required, easements allow local authorities to make decisions to change support for people, e.g. by temporarily stopping support for one person in order to meet a more urgent need for care for someone else, creating likely increased pressure on carers.
- A delay in completing financial assessments could lead to a build up of client contributions which some clients might find difficult to repay

Mitigation:

- Community teams are prioritising proactive telephone contact with existing service users and carers who are known to be most vulnerable
- Staff resources are being used appropriately, including the redeployment of some staff, to keep essential and critical services running
- Operation of hantshelp4vulnerable telephone helpline to coordinate access to local volunteers, support with food supply and deliveries to vulnerable residents
- Capacity at adult social care specialist CART (contact centre team) has been bolstered to support more telephone-based work with service users
- Provision of online resources to help providers and families to support individuals with learning disabilities and or autism to manage changes in routines etc

Sexual Orientation Impact Assessment:

Positive Neutral Low Medium High

Race Impact Assessment:

Positive Neutral Low Medium High

Impact: Existing impacts during Covid-19

- Increased barriers to effective support and communication, particularly around language where English is not someone's first language
- Increased barriers to accessing services
- Lack of contact with family and friends
- Isolated people / people shielding may not receive culturally appropriate food

Additional impact of using Care Act easements

- Further restrictions on choice, potentially, because of reduced market capacity/staff availability
- Potential to not provide the right amount of care – either too little or too much – because people's needs will not have been systematically assessed or reviewed in the usual way

- Increased pressure on carers, as staff would not be carrying out carer assessments

Mitigation:

- Additional translation services and British Sign Language support available to contact centre and to hantshelp4vulnerable helpline
- Local response centres have access to local community volunteers and access to appropriate foods and will be able to offer more tailored support in particular communities

Religion or belief Impact Assessment:

Positive Neutral Low Medium High

Gender reassignment Impact Assessment:

Positive Neutral Low Medium High

Gender Impact Assessment:

Positive Neutral Low Medium High

Marriage or Civil Partnership Impact Assessment:

Positive Neutral Low Medium High

Pregnancy and maternity Impact Assessment:

Positive Neutral Low Medium High

Other policy considerations

Poverty Impact Assessment:

Positive Neutral Low Medium High

Impact: Existing impacts during Covid-19

Some Positive

- Positive impact in that all people known to be sleeping rough in Hampshire have been offered temporary accommodation by their district council to allow them to social distance and self-isolate if needed, reducing very significantly the number sleeping rough

However, overall Negative

- People from lower income backgrounds are more likely to need to access adult social care services from the council, and will therefore be impacted more if service level is reduced
- Increased poverty linked to unemployment/loss of income/debt likely to lead to increase in mental and physical ill health
- Some individuals may no longer be able to afford contributions they were previously making to the care costs of others (eg topping up care costs for a relative/friend staying in a more expensive care home than the council will fund)

Additional impact of using Care Act easements

- No specific additional impacts to highlight

Mitigation:

- Systems for identifying support for those in urgent need are in place via hantshelp4vulnerable and the 11 local response centres
- All social care support is means tested, so individuals on low incomes would still be able to access critical care and support services they needed to have put in place during the emergency

Rurality Impact Assessment:

Positive Neutral Low Medium High

Impact:

- People in rural communities are likely to experience the same difficulties as other groups outlined above, in terms of reduced access to services and support and because of the impact of social distancing. The combined impact of rurality and disability or age would potentially compound disadvantage. Some rural communities may be coping relatively well, if there is good social capital and local sources of food supply/delivery, but other communities/rural households will be more isolated.

Mitigation:

- Mitigation same as for other groups, in terms of use of hantshelp4vulnerable, local response centres and use of volunteers and to support access to food supplies, medication etc.
- Community teams will prioritise those who are most vulnerable for more frequent contact or to put in place necessary support

Additional information

Another group not specifically covered by the above categories, but relevant in terms of the wider wellbeing responsibilities of Adults' Health and Care is people who are at increased risk of domestic abuse due to the lockdown.

Hampshire's Domestic Abuse Service is continuing to provide help to people experiencing domestic abuse via phone, email and online. A face to face support option is not available during this time but access to refuge, for those with urgent needs, will still be available on a 24/7 basis.

Please confirm that the accountable officer has agreed to the contents of this form (required):

Yes No